

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**POWERTRAIN, INC., A MISSISSIPPI  
CORPORATION**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:11CV105-GHD-DAS**

**JOYCE MA, INDIVIDUALLY, AND  
BEST MACHINERY & ELECTRICAL, INC.**

**DEFENDANT**

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**MOTION TO SET ASIDE ENTRY OF DEFAULT**

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COMES NOW, the Plaintiff, PowerTrain, Inc., and files it's Motion to Set Aside Entry of Default and in support of same would state as follows, to wit:

**I.**

The Clerk entered a default against Defendant, Best Machinery & Electrical, Inc., on January 23, 2012.

**II.**

On or about January 14, 2013, the Court allowed Plaintiff to file an Amended Complaint in this cause.

**III.**

Defendant desires to set aside the clerk's entry of default against the Defendant, Best Machinery & Electrical, Inc., and proceed against the Defendant, Best Machinery & Electrical, Inc., on Plaintiff's Amended Complaint and requests Summons be re-issued for the Defendant, Best Machinery & Electrical, Inc., and for said Defendant to plead or respond to the Amended Complaint in the time and manner required by law.

WHEREFORE PREMISES CONSIDERED, Plaintiff requests this Court set aside the Clerk's entry of default against Defendant, Best Machinery & Electrical, Inc., and the Clerk re-issue Summons to the Defendant, Best Machinery & Electrical, Inc., on Plaintiff's Amended Complaint.

Respectfully Submitted,

**POWERTRAIN, INC.**

By: /s/ Duncan Lott  
DUNCAN L. LOTT, MBN 1431  
Attorneys for Plaintiff

**LANGSTON & LOTT, P.A.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of March, 2013, I electronically filed the foregoing *Motion to Set Aside Clerk's Entry of Default* with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Jeffery M. Navarro, Esq.  
[jeffnavarro53@att.net](mailto:jeffnavarro53@att.net)

William R. Wheeler, Jr., Esq.  
[wwheeler@wheelerfrankslaw.com](mailto:wwheeler@wheelerfrankslaw.com)

Dated, this the 8<sup>th</sup> day of March, 2013.

/s/ Duncan Lott  
**DUNCAN L. LOTT**